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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/702,286 08/23/96 ANDERSON E P1969/JAS-55

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EXAMINER

HARRINGTON, A

ART UNIT

PAPER NUMBER

2712

DATE MAILED:

10/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/702 286

Applicant(s)

Anderson

Examiner

HARRINGTON

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4.17.00 and 4.19.00
- ☒ This action is **FINAL**. (*substitute final*)
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-9, 11-13 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9, 11-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

As indicated in the interview summary on 5/15/00 applicants supplemental declaration filed on 4/17/00 was persuasive in establishing conception of the claimed "mark function" prior to the filing date of Itoh (US 5,966,122) with filling priority of August 9, 1996. However, there is a "mark function" is disclosed in a patent to Wakui (US 5,742,339) with priority of filling of December 22, 1995.

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Wakui (US 5,742,339)

Regarding claim 1, Parulski et al discloses an electronic camera which captures and assigns a tag (claimed "mark") to a plurality of images taken (column 2, lines 1-5). Once all images are tagged (claimed "repeating step (a)"), the images are saved(claimed "one group function") to the storage (column 2, lines 58-65) attached to the camera through an user interface command switch (29; see figure 3; column 5, lines 55- 67). Although Parulski et al.'s system uses a "pre-capture tag system" for saving images, it would have been obvious to use a "post-captured

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tag “ system, since it is known in the art use such a system, as recited in the background of Parulski et al. invention (column 2, lines 14-20), to increase processing time. However, Parulski et al fails to specifically disclose creating a **temporary** group of marked images and navigation control key as claimed. Although, it is well known in the art, as taught Wakui

In the same field of endeavor, Wakui discloses an electronic camera that edits w/a push keys (see figure 10 and 11; col. 11, lines 5-9) to manipulate images using a post capture marking method. The user may **navigate among images to randomly select images** to be stored on memory card. A randomly selected image displays a letter (**temporary mark** ;see figure 5; col. 2,lines 19-24 and col. 9, lines 65-67 and col. 10, lines 1-5) according to the user touch on the panel of direction keys (col. 8, lines 43-67). But since, this manipulation(the random selecting and temporary marking)is done using a navigation control button (or mouse, etc) , this navigation control also serves as function keys. Therefore images are randomly selected and temporarily marked by the user. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parulski, as taught by Wakui, to provide an even more compact/portable digital imaging system which provide an easy editing of image data while increasing the versatility of digital camera.

Regarding claim 2, Parulski et al and Wakui disclose all the limitations as applied in claim 1., Parulski et al. further discloses the user may view a group by using the control panel (29) to select a particular group for display (column 5, lines 1-8 and column 7, lines 1-7; see figure 8).

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Regarding claim 3, Parulski et al discloses all the limitations as applied in claim 1. In addition, Parulski et al. discloses an electronic camera which captures and assigns a tag (claimed “mark”) to a plurality of images taken (column 2, lines 1-5). Once all images are tagged (claimed “repeating step (a)”), the images are saved(claimed “one group function”) to the storage (column 2, lines 58-65) through an user interface command switch (29; see figure 3; column 5, lines 55-67).

Regarding claim 6, Regarding claim 2, Parulski and Wakui disclose all the limitations as applied in claim 1., Parulski et al. further discloses delete functions for a particular image (column 5, lines 60-65; 52f).

Regarding claim 7, Parulski et al and Wakui disclose all the limitations as applied in claim 1., Parulski et al. further discloses depressing a select key on the control panel (29) functions to assign an image to file or particulars function (delete). Thus it stands to reason to unassign an image the user again depresses the select key to cancel the image (selecting none ; column 6,lines 52-59).

Regarding claim 8, Parulski et al. discloses an electronic camera which captures and assigns a tag(claimed “mark”) to a plurality of images taken (column 2,lines 1-5). When reviewing images the tag (see figure 7) is displayed which has been repeated throughout the image taking process forming a group (ex. kids, soccer). Although Parulski et al.’s system uses a “pre-capture tag system” for saving images, it would have been obvious to use a “post-captured tag “ system, since it is known in the art use such a system, as recited in the background of Parulski et al.

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invention (column 2, lines 14-20), to increase processing time. However, Parulski et al fails to specifically disclose creating a **temporary** group of marked images and navigation control key as claimed. Although, it is well known in the art, as taught Wakui.

In the same field of endeavor, Wakui discloses an electronic camera that edits w/a push keys (see figure 10 and 11; col. 11, lines 5-9) to manipulate images using a post capture marking method. The user may **navigate among images to randomly select images** to be stored on memory card. A randomly selected image displays a letter (**temporary mark** ;see figure 5; col. 2, lines 19-24 and col. 9, lines 65-67 and col. 10, lines 1-5) according to the user touch on the panel of direction keys (col. 8, lines 43-67). But since, this manipulation(the random selecting and temporary marking)is done using a navigation control button (or mouse, etc) , this navigation control also serves as function keys. Therefore images are randomly selected and temporarily marked by the user. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parulski, as taught by Wakui, to provide an even more compact/portable digital imaging system which provide an easy editing of image data while increasing the versatility of digital camera.

Regarding claim 9, . In addition, Parulski et al. discloses the tag (claimed "mark") can be alphanumeric (column 5, lines 10-15).

Regarding claim 11, Parulski et al and Wakui disclose all the limitations as applied 9. In addition, Parulski et al. discloses depressing a select key on the control panel (29) functions to assign an image to file or particulars function (delete). Thus it stands to reason to unassign an

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image the user again depresses the select key to cancel the image (selecting none ; column 6, lines 52-59).

Regarding claim 13, Parulski et al. discloses an electronic camera comprising:

- a memory device (18 and 24; see figure 2; column 4, lines 5-7 and 41-55);

- a memory manager (column 4, lines 56 -67 and column 5, lines 31-51)

- an interface coupled to said memory (column 5, lines 1-7 and column 8, lines 34-44);

- an user interface for displaying (computer screen; see figure 8; column 6, lines 66-67 and column 7, lines 23-26) an image;

- means coupled to the memory manager for assigning a mark function (tag) to one of the function keys on the control panel (29), such that in response to the user selecting (column 6, lines 1-4; pressing) the assigned key , a mark number (tag- alphanumeric number; column 7, lines 59-65) is assigned to the image to be viewed. In which the user may repeatedly perform this tag on several images(column 6, lines 60-64) to be viewed under the same tag (see figure 7).

- means coupled to the memory manager for assigning a group function (date, time) to a particular tag (function key; see figure 3), such that the in response to a user selecting (pressing) the particular tag function, the group of images is collectively given the date and time (column 7, lines 23-40). However, Parulski et al fails to specifically disclose creating a **temporary** group of marked images and random selection as claimed Although, it is well known in the art, as taught Wakui.

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In the same field of endeavor, Wakui discloses an electronic camera that edits w/a push keys (see figure 10 and 11; col. 11, lines 5-9) to manipulate images using a post capture marking method. The user may **navigate among images to randomly select images** to be stored on memory card. A randomly selected image displays a letter (**temporary mark** ;see figure 5; col. 2, lines 19-24 and col. 9, lines 65-67 and col. 10, lines 1-5) according to the user touch on the panel of direction keys (col. 8, lines 43-67). But since, this manipulation(the random selecting and temporary marking)is done using a navigation control button (or mouse, etc) , this navigation control also serves as function keys. Therefore images are randomly selected and temporarily marked by the user. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Parulski, as taught by Wakui, to provide an even more compact/portable digital imaging system which provide an easy editing of image data while increasing the versatility of digital camera.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Wakui (US 5,742,339) , further in view of **Parulski et al. (US 5,414, 811)**.

Regarding claim 4, Parulski et al and Wakui disclose all the limitations as applied in claim 1. However, they fails to specifically disclose a slide show function (displaying one image after another in a file) for viewing images. Although, it is well known, as taught by Parulski et al.

In a related field of endeavor, Parulski et al. discloses a digital image processing system which responds to the a view command from the user by loading several images from a file to

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display a preceding image and the next image upon command(column 8, lines 60-68). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a slide show feature in the system to reduce latency time in view a group of images, as taught by Parulski et al.

5. Claims **5 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Wakui (US 5,742,339) in view of **Bullock et al.** (US 5,675,358).

Regarding claim 5, Parulski et al and Wakui disclose all the limitations as applied in claim 1. However, they fails to specifically disclose duplicating the selected image. Although, it is well known in the art, as taught by Bullock et al.

In the same field, of endeavor, Bullock et al. discloses an digital image capture control apparatus in which a selected group of images(stack) or an image(see figure 18) is duplicated by saving the image(s) in another file (column 8, line 27-37) by the user selecting that feature form the graphical interface pull down display (analogous to function keys). As it is well known in computer applications, a file can be duplicated by saving it twice with different file names. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a duplicating function in order to give the user a permanent storage image source, as taught by Bullock et al.

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Regarding claim 12, Parulski et al and Wakui disclose all the limitations as applied in claim 11. However, they fails to specifically disclose duplicating the selected image. Although, it is well known in the art, as taught by Bullock et al.

In the same field, of endeavor, Bullock et al. discloses an digital image capture control apparatus in which a selected group of images(stack) or an image(see figure 18) is duplicated by saving the image(s) in another file (column 8, line 27-37) by the user selecting that feature form the graphical interface pull down display (analogous to function keys). As it is well known in computer applications, a file can be duplicated by saving it twice with different file names. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a duplicating function in order to give the user a permanent storage image source, as taught by Bullock et al.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Tuesday to Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communication, please label "PROPOSED" or "DRAFT")


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).

AMH:



September 12, 2000



Wendy Garber
Supervisory Patent Examiner
Technology Center 2700